

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT A. GONZALES,)	
)	
Petitioner,)	No. C 04-0084 CRB (PR)
)	
vs.)	ORDER DENYING
)	CERTIFICATE OF
MICHAEL MARTEL, Warden,)	APPEALABILITY
)	
Respondent.)	(Doc # 54)

Petitioner has filed a notice of appeal and request for a certificate of appealability (COA) under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b).

Petitioner's request for a COA (doc # 54) is DENIED because petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not demonstrated that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall forward to the court of appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

SO ORDERED.

DATED: May 28, 2009



CHARLES R. BREYER
United States District Judge